

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**RAY BROWN AND ASSOCIATES, INC.,  
a Nebraska Corporation,**

**Plaintiff,**

**v.**

**HOT SPRINGS SENIOR PROPERTIES,  
LLC, a South Dakota Limited Liability  
Company; PINE HILLS, INC., a South  
Dakota Corporation; STEVEN H. WYATT,  
an individual; KELVIN LORENZ, an  
individual; and DALE BOEHNER, an  
individual,**

**Defendants,  
Counterclaimants  
and Third-Party Plaintiffs,**

**v.**

**RAY BROWN, RICHARD J. STACY,  
MILLER & ASSOCIATES CONSULTING  
ENGINEERS, P.C., a Nebraska  
Professional Corporation, RICHARD M.  
NOEL, and NOEL ENGINEERING, INC., a  
Nebraska Corporation,**

**Third-Party Defendants.**

**CASE NO. 8:07CV159**

**ORDER**

In reviewing the Motion for Summary Judgment submitted by Third Party Defendants Richard M. Noel and Noel Engineering, Inc. (Filing No. 82), the Court has observed that Third Party Plaintiff Hot Springs Senior Properties ("Hot Springs") in its brief (Filing No. 105) makes reference to "Exhibits B, C, D, E and F." (*Id.*, pp. 5-6). While Hot Springs' Index of Evidence (Filing Nos. 106 and 107) contains "Exhibit A" (excerpts from the deposition of Richard Noel), the Court has not located "Exhibits B, C, D, E and F" in the record.

IT IS ORDERED that on or before January 25, 2008, Hot Springs may supplement its Index of Evidence to include Exhibits B, C, D, E and F, or direct the Court to where such exhibits may be found in the record. If Exhibits B, C, D, E and F are not filed or Hot Springs does not direct the Court to the presence of these exhibits in the existing record on or before January 25, 2008, such exhibits and any references to them will not be considered in connection with the pending Motion for Summary Judgment (Filing No. 82).

DATED this 22<sup>nd</sup> day of January, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge